

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

# HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that Engrossed Senate Bill 448 be amended to read as follows:

- 1 Page 13, between lines 38 and 39, begin a new paragraph and insert:
- 2 "SECTION 13. IC 36-7-32-8.7 IS ADDED TO THE INDIANA
- 3 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 4 [EFFECTIVE JULY 1, 2009]: **Sec. 8.7. As used in this chapter,**
- 5 **"supplemental distribution" refers to a distribution to a certified**
- 6 **technology park under section 21.5 of this chapter.**
- 7 SECTION 14. IC 36-7-32-21 IS AMENDED TO READ AS
- 8 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 21. Before the first
- 9 business day in October of each year, the department of state revenue
- 10 shall calculate:
- 11 (1) the income tax incremental amount; ~~and~~
- 12 (2) the gross retail incremental amount; ~~and~~
- 13 (3) **the supplemental distribution amount;**
- 14 for the preceding state fiscal year for each certified technology park
- 15 designated under this chapter. **The calculations under this section**
- 16 **must identify the income tax incremental amount and the gross**
- 17 **retail incremental amount that are attributable to each business in**
- 18 **the certified technology park.**
- 19 SECTION 15. IC 36-7-32-21.5 IS ADDED TO THE INDIANA
- 20 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 21 [EFFECTIVE JULY 1, 2009]: **Sec. 21.5. (a) This section applies to a**
- 22 **certified technology park if:**
- 23 (1) **a business operated in the certified technology park after**
- 24 **the date the certified technology park was designated under**

1           section 11 of this chapter; and

2           (2) the business ceased operations in the certified technology  
3           park after June 30, 2006.

4           (b) As used in this section, "business" refers to a business  
5           described in subsection (a).

6           (c) The department of state revenue shall determine the income  
7           tax incremental amount and the gross retail incremental amount  
8           for a certified technology park that are attributable to the last full  
9           state fiscal year in which a business operated in the certified  
10          technology park.

11          (d) In the later of:

12           (1) the state fiscal year beginning July 1, 2009; or

13           (2) the state fiscal year immediately following the last full  
14           state fiscal year in which a business operated in the certified  
15           technology park;

16          and in each of the subsequent four (4) state fiscal years, the  
17          department of state revenue shall determine the income tax  
18          incremental amount and the gross retail incremental amount that  
19          were not paid to the certified technology park but would have been  
20          attributable to the certified technology park if the business had  
21          continued to operate in the certified technology park for the full  
22          state fiscal year.

23          (e) To the extent possible, the department of state revenue shall  
24          trace the operations of a business to the place or places in Indiana  
25          (if any) where the business relocates after terminating operations  
26          in the certified technology park and compute the state gross retail  
27          and use taxes that are remitted under IC 6-2.5 by the business and  
28          the aggregate amount of taxes paid by employees of the business as  
29          if the business were still located in the certified technology park.  
30          The department of state revenue shall treat an entity as the same  
31          business to the extent that the business continues to conduct  
32          operations in the same business segment, even if the business  
33          acquires new owners, changes its legal or organizational structure,  
34          or operates in more than one (1) location. Only the operations of  
35          the business in Indiana shall be considered in the calculation under  
36          subsection (d). If accurate and complete information is not  
37          available at the time a determination is made, the department of  
38          state revenue may use reasonable estimates to make the  
39          determination required by subsection (d).

40          (f) The lesser of the amount determined under subsection (c) or  
41          (d) shall be deposited in the incremental tax financing fund for the  
42          certified technology park as a supplemental distribution in the  
43          later of:

44           (1) the state fiscal year beginning July 1, 2009; or

45           (2) the state fiscal year immediately following the last full  
46           state fiscal year in which a business operated in the certified  
47           technology park;

1 and in each of the subsequent four (4) state fiscal years. The  
 2 deposit shall be distributed to the redevelopment commission for  
 3 the certified technology park at the same time that income tax  
 4 incremental amounts and the gross retail incremental amounts for  
 5 the same state fiscal year are distributed. However, a supplemental  
 6 distribution under this subsection shall be reduced to the extent  
 7 that the supplemental distribution would result in total  
 8 distributions to the certified technology park that exceed the  
 9 amount specified in section 22(c) of this chapter.

10 (g) There is annually appropriated a sufficient amount from the  
 11 state general fund to make the supplemental distributions required  
 12 by this section.

13 SECTION 16. IC 36-7-32-22 IS AMENDED TO READ AS  
 14 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 22. (a) The treasurer of  
 15 state shall establish an incremental tax financing fund for each certified  
 16 technology park designated under this chapter. The fund shall be  
 17 administered by the treasurer of state. Money in the fund does not  
 18 revert to the state general fund at the end of a state fiscal year.

19 (b) Subject to subsection (c), the following amounts shall be  
 20 deposited during each state fiscal year in the incremental tax financing  
 21 fund established for a certified technology park under subsection (a):

22 (1) The aggregate amount of state gross retail and use taxes that  
 23 are remitted under IC 6-2.5 by businesses operating in the  
 24 certified technology park, until the amount of state gross retail  
 25 and use taxes deposited equals the gross retail incremental  
 26 amount for the certified technology park.

27 (2) The aggregate amount of the following taxes paid by  
 28 employees employed in the certified technology park with respect  
 29 to wages earned for work in the certified technology park, until  
 30 the amount deposited equals the income tax incremental amount:

- 31 (A) The adjusted gross income tax.
- 32 (B) The county adjusted gross income tax.
- 33 (C) The county option income tax.
- 34 (D) The county economic development income tax.

35 (3) **The amount of a supplemental distribution to the certified**  
 36 **technology park.**

37 (c) Not more than a total of five million dollars (\$5,000,000) may  
 38 be deposited in a particular incremental tax financing fund for a  
 39 certified technology park over the life of the certified technology park.

40 (d) On or before the twentieth day of each month, all amounts held  
 41 in the incremental tax financing fund established for a certified  
 42 technology park shall be distributed to the redevelopment commission  
 43 for deposit in the certified technology park fund established under  
 44 section 23 of this chapter."

45 Renumber all SECTIONS consecutively.

(Reference is to ESB 448 as printed April 10, 2009.)

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Representative Reske